

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

GARY JOHNSON §
v. § CIVIL ACTION NO. 5:10cv48
TELFORD UNIT, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Gary Johnson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Johnson sues the Telford Unit of TDCJ and “O-I-G-S,” apparently referring to persons in the TDCJ Office of the Inspector General. His complaint, set out in full by the Magistrate Judge, is incomprehensible.

On April 30, 2010, the Magistrate Judge issued a Report recommending that Johnson’s application for leave to proceed *in forma pauperis* be denied and that the lawsuit be dismissed under 28 U.S.C. §1915(g). The Magistrate Judge observed that Johnson had filed some three dozen lawsuits in federal court, of which at least three had been dismissed as frivolous and for failure to state a claim upon which relief may be granted. Because Johnson did not pay the full filing fee or show that he is in imminent danger of serious bodily injury, the Magistrate Judge recommended that the lawsuit be dismissed.

Johnson received a copy of this Report on May 5, 2010, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions,

and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

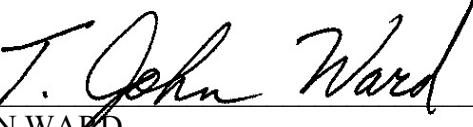
ORDERED that the Report of the Magistrate Judge (docket no. 4) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's application for leave to proceed *in forma pauperis* (docket no. 2) is hereby DENIED. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice as to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the \$350.00 filing fee. Should Johnson pay this full fee within 15 days of the date of entry of final judgment, he shall be allowed to proceed in this lawsuit as though the full fee had been paid from the outset. Finally, it is

ORDERED that any and all other motions which may be pending in this civil action are hereby DENIED.

SIGNED this 8th day of June, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE